

430 Rec'd PCTO 23 JUN 1999

#3

Attorney Docket No. GM50023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (DO/US)

RECEIVED

01 AUG 1999

Legal Staff
International Division

First Named Applicant: Black

U.S. Application No.: 09/242,054

International Application No.:
PCT/US98/05422

Examiner: Unknown

Group Art Unit: Unknown

I.A. Filing Date:
March 20, 1998

For: Novel Compounds

BOX PCT

Attention: International Division, Legal Staff
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**PETITION FOR REVIVAL OF INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY
UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned as to the United States because the elements noted at 35 U.S.C. 371(c) were not filed prior to the expiration date of the applicable time limit noted at 37 CFR 1.494(b) or (c) or 37 CFR 1.495(b) or (c). The date of abandonment is November 21, 1998 (i.e., the day after the date on which the 35 U.S.C 371(c) requirements were due).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

- ☐ Small entity - fee \$605.00 (37 CFR 1.17(m))
- ☐ Small entity statement enclosed herewith.
- ☐ Small entity statement previously filed.
- ☒ Other than small entity - fee \$1,210.00 (37 CFR 1.17(m))

2.

A. The U.S. Basic National Fee responsive to the above-noted missing 35 U.S.C. 371(c) requirements

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. Fees:

<u>Claims Fee</u>	Total Claims	(26)	- 20 =	(6) x \$ 18.00 =	\$ 108.00
	Independent Claims	(8)	- 3 =	(5) x \$ 72.00 =	\$ 390.00
	Multiple Dependent Claim(s)			+\$ 260.00 =	

Basic Fee The International search fee, as set forth in § 1.445(a)(2) to be paid to the USPTO acting as an International Searching Authority:

<input checked="" type="checkbox"/>	has been paid (37 CFR 1.492(a)(2))	\$ 760.00
<input type="checkbox"/>	has not been paid (37 CFR 1.492(a)(3))	\$ 970.00
<input type="checkbox"/>	where the search report on the International application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5))	\$ 840.00

Total National Fee: **\$1168.00**

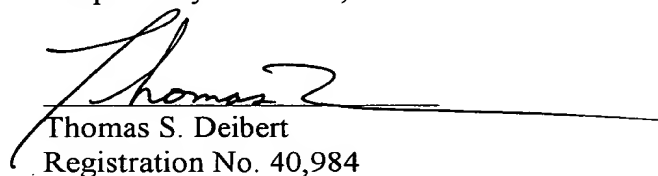
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

5. The Commissioner is hereby authorized to charge any fees that may be required for filing this document and documents recited herein, or to refund any overpayment of funds attached hereto, to Account No. 05-0258.

Respectfully submitted,


Thomas S. Deibert
Registration No. 40,984

DECHERT PRICE & RHOADS
Princeton Pike Corporate Center
PO Box 5218
Princeton, New Jersey 08543-5218
Fax: (609) 620-3259
Attn: Thomas S. Deibert, Esq.
(609) 620-3231

Enclosures: ☒ U.S. Basic National Fee responsive to Missing 35 U.S.C. 371(c) requirements

☒ Authorization to charge necessary Fees to Deposit Account No. 50-0258

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this Petition for Revival of International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b), together with any documentation referred to therein, is being deposited with the United States Postal Service on this date, June 23, 1999, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL 260 001 278US** addressed to: Box PCT, Attention: International Division, Legal Staff, Assistant Commissioner for Patents, Washington, D.C. 20231.

Peggy Ferello
(type or print name of person mailing paper)


Signature of person mailing paper

09/242054



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
BOX PCT
Washington, D.C. 20231

US APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
--------------------	-----------------------	------------------

09/242,054

BLACK

M

GM50023

INTERNATIONAL APPLICATION NO.

PCT/US98/05422

I.A. FILING DATE

PRIORITY DATE

03/20/98

03/20/97

DATE MAILED: 04/19/99

5611
ANDREW L FISH
DECHERT PRICE & RHOADS
1717 ARCH STREET
4000 BELL ATLANTIC TOWER
PHILADELPHIA PA 19103-2793

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☒ a Designated Office (37 CFR 1.494), ☐ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received _____ is in compliance with 37 CFR 1.138 and is hereby acknowledged.
- ☒ Applicant has failed to provide the full U. S. Basic National Fee by ☒ 20 months (37 CFR 1.494 (b)(2)), ☐ 30 months (37 CFR 1.495 (b)(2)).
- ☐ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other:

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR

☒ 1.494, ☐ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.